UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,125	10/31/2003	Michel Chevanne	Q78138	9445

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ART UNIT	PAPER NUMBER
2146	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/697,125	CHEVANNE ET AL.
	Examiner	**Art Unit**	
	Shaq Taha	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, managing instant messaging between user entities must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- Regarding claims 20 – 21, the phrase "use of the method" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 11 and 15 are rejected under 35 U.S.C 102(B) as being anticipated by Fukasawa et al. (US 7,058,705).

Regarding claim 1, Fukasawa et al. teaches a device (1) for controlling equipment management data (5) in a communications network comprising a network management system capable of managing the said equipment using previously loaded management data modules, **[In a device information management system in which a**

management server for managing device information and various devices are

connected, (Abstract)];associated with the said equipment and stored in a memory

(9), [FIG. 13 is a diagram showing a memory map on a storage

medium];characterized in that it comprises control means (10) arranged, when there is

a request by the said system to take over at least one new item of equipment (5) in the

said network, to extract from the said memory (9) the management data module

associated with each new item of equipment, [To provide a control program for

controlling the foregoing device information management system and a recording

medium on which the control program has been stored, (Column 2, line 1)];

and then to load into the said system each new management data module extracted,

dynamically, so that the management by the said system of the other items of

equipment (5) in the said network is not interrupted, [a plurality of device information

of different types is transmitted to the management server at a predetermined

timing, respectively, (Column 2, line 5)].

Regarding claim 5, Fukasawa teaches a device, characterized in that the said control

means (10) are arranged to load management data modules according to at least a first

mode in which the said modules are loaded independently of any dependencies

between them and a second mode in which, in loading the said modules, account is

taken of any dependencies between them, [The control program according to the

invention can be loaded into the PC 200 shown in FIG. 2, (Column 16, line 52)].

Regarding claim 11, Fukasawa teaches a method of controlling equipment management

data (5) in a communications network, in which the said network equipment is managed

using loaded management data modules, associated with the said network equipment

(5), characterized in that, in the case of a request to take over at least one new item of

equipment (5) in the said network, each new management data module associated with

a new item of equipment (5) is loaded dynamically so that the management of the other

equipment (5) in the said network is not interrupted, **[a device information**

management system in which a management server for managing device

information and various devices are connected, a request to transmit the device

information to the management server is transmitted to another device and the

device information of the requesting device is transmitted to the management

server in accordance with the request, Fig. 9, (Abstract)].

Regarding claim 15, Fukasawa teaches a method, characterized in that the

management data modules are loaded independently of any dependencies thereof or

taking account of any dependencies thereof, **[The control program according to the**

invention can be loaded into the PC 200 shown in FIG. 2, (Column 16, line 52)].

Regarding Claims 21, Fukasawa teaches use characterized in that the said network

technologies are chosen from a group comprising the transmission networks, in

particular of the WDM, SONET and SDH type, data networks, in particular of the

Internet-IP and ATM type, and voice networks, in particular of the conventional, mobile

and NGN type, **[Fig. 1, Ref # 130].**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- Claims 2 - 4 and 12 - 14 are rejected under 35 U.S.C. 103(a) as being

  unpatentable over Fukasawa et al. (US 7,058,705) as applied to claims 1 above,

  and further in view of Maekawa et al. (US 7,266,601).

Regarding Claims 2 & 12, Fukasawa teaches that in a device information management

system in which a management server for managing device information and various

devices are connected, a plurality of different types of device information is transmitted

to the management server at predetermined timings, respectively, **(See Abstract).**

Fukasawa et al. differs from the claimed invention is that to put the said new

management data module loaded on standby is not taught in Fukasawa et al.

Maekawa teaches A sever manages a network device connected to a network by

storing location information of a providing site that provides state information associated

with the network device and a status of the network device, **(See Abstract),** and further

teaches to put the said new management data module loaded on standby, **(Column 5,**

line 21);

Regarding claim 3 & 13, Maekawa teaches a device according to claim 2,

characterized in that the said putting on standby consists firstly of allowing the

management of the new version of the equipment (5) from the said new management

data module, without taking account of any error messages related to its non-integration

in the said network, and secondly to send to the said old management data module a

message indicating to it that a change of version is under way and that it must not take

account of at least some of the error messages related to the conjoint management of

the old and new versions, **[Fig. 9, Ref # 401 – 406];**

Regarding claim 4 & 14, Maekawa teaches a device according to claim 2, characterized

in that the said control means (10) are arranged, in the case of synchronization between

the said new equipment version (5) and the said new management data module, so as

to delete the said old management data module, **[Fig. 1, Ref # 100];**

It would have been obvious to one of ordinary skill in the art at the time of the invention
was made to modify Fukasawa by including at least one descriptor as taught by
Simonnet.

One of ordinary skill in the art would have been motivated to make this modification in
order provide the advantage of providing the advantage of that each management data
module consists of at least one descriptor.

- Claims 6 – 10 and 16 - 20 are rejected under 35 U.S.C. 103(a) as being
  unpatentable over Fukasawa et al. (US 7,058,705) as applied to claims 1 above,
  and further in view of Simonnet et al. (US Pub. No.: 2004/0210630).

Regarding Claims 6 & 16, Fukasawa teaches that in a device information management
system in which a management server for managing device information and various
devices are connected, a plurality of different types of device information is transmitted
to the management server at predetermined timings, respectively, **(See Abstract).**
Fukasawa et al. differs from the claimed invention is that each management data
module consists of at least one descriptor is not taught in Fukasawa et al.
Simonnet teaches a systems and methods for forming and maintaining a secure logical
network are provided, thereby enabling confidentiality and authenticity in the exchange
of information between nodes on the logical network, **(See Abstract),** and further
teaches that each management data module consists of at least one descriptor,
(Paragraph 0096);

Regarding Claims 7 & 17, Simonnet teaches a device, characterized in that each

descriptor consists of at least one program code file and at least one configuration file,

[certain aspects or portions thereof, may take the form of program code

embodied in tangible media, such as floppy diskettes, (Paragraph 0162)];

Regarding Claims 8 & 18, Simonnet teaches a device according to claim 7,

characterized in that one of the said program code files of a descriptor comprises first

data designating a type to which an item of network equipment belongs, and another of

the said program code files of the said descriptor comprises second data designating a

management information base definition associated with the said equipment (5) and

accessible to the said system, **[program code (i.e., instructions), (Paragraph 0162)]**;

Regarding Claims 9 & 19, Simonnet teaches a device according to claim 7,

characterized in that the said program codes are in Java language, **[Paragraph 0084]**;

Regarding Claims 10, Fukasawa teaches a device management server (2) in a

communications network, comprising management means (3) able to manage network

equipment (5) using loaded management data modules, associated with the said

network equipment (5) and stored in a memory (9), characterized in that it comprises a

management device (1) according to claim 9, coupled to the said management means,

[In a device information management system in which a management server for managing device information and various devices are connected, (Abstract)];

Regarding Claims 20, Fukasawa teaches use of the method, control device (1) and management server (2) in the network technologies which are to be managed, **[In a device information management system in which a management server for managing device information and various devices are connected, a plurality of different types of device information is transmitted to the management server at predetermined timings, respectively, (Abstract)];**

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Fukasawa by including at least one descriptor as taught by Simonnet.

One of ordinary skill in the art would have been motivated to make this modification in order provide the advantage of providing the advantage of that each management data module consists of at least one descriptor.

Conclusion

The following prior art made of record and not relied upon is cited to establish the

level of skill in the applicant's art and those arts considered reasonably pertinent to

applicant's disclosure. See **PEP 707.05(c)**.

The following are analogous art because they are from the same field of endeavor of

Device, Method, and Program for performing Master/Slave Switching Process:

- o Fukasawa et al. Patent No: (US 7,058,705).

- o Maekawa et al. Patent No: (US 7,266,601).

- o Simonnet et al. Pub No: (US 2004/0210630).

- o Sutton et al. Pub No: (US 2003/0037177).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921.

The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/13/07

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